

Attorney Docket No.: J3672(C)
Serial No.: 10/518,320
Filed: August 17, 2005
Confirmation No.: 6742

REMARKS

As amended, claim 1 incorporates the requirements of claim 8. Claim 8 has been cancelled without prejudice. Entry of these amendments is respectfully requested.

Pursuant to the Office Action of August 6, 2008, claims 1, 5, 11 and 12 stand rejected under 35 U.S.C. 102(e) as anticipated by Rieley et al. (US2002/0119108). Additionally, claims 1-12 stand rejected under 35 U.S.C. 103(a) as unpatentable over Cai et al. US 6,451, 295 in view of Reiley et al. These rejections are respectfully traversed.

The incorporation of the requirements of claim 8 into claim 1 is believed to moot the rejection over Rieley et al. As amended, claim 1 specifies that the proportion of aqueous dispersed phase(s) within the total composition is from 50% to 90% by weight, excluding any volatile propellant that may be present.

Regarding Cai et al., the Office Action states:

The difference between the invention of the instant application and that of Cai et al. is that the instant invention requires the use of a polymer comprising carboxylic, sulphonic or phosphonic acid groups as opposed to amides. For this reason the teaching of Reiley et al. is joined.

As to the combination of Cai et al. and Reiley et al., Applicants respectfully submit that Reiley et al. teaches away from the high water content compositions of amended claim 1. See for example, paragraph 0048 wherein Reiley et al. states:

Hydrophilic liquid carrier materials that may be used include water and polar organic solvents. When water is used as a carrier material for the

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polymer and/or the antiperspirant salt, it is strongly preferred that the polymer and the antiperspirant salt are applied from independent compositions. This ensures that premature interaction does not occur between the components (vide supra). Emphasis added.

Thus, rather than having the antiperspirant salt and polymer in separate phases of an emulsified high water content water in oil emulsion as herein described, Reiley et al. teaches that when water is the carrier, that the polymer and salt should be applied from separate compositions. Given the clear teaching away from a composition with a high water content as described by the subject claims, one skilled in the art reading Reiley et al. would seemingly be led away from formulating such a composition with a polymer comprising Brønsted groups or to employ a polymer comprising Brønsted acid groups together with an antiperspirant salt and water in the internal phase of antiperspirant composition. Accordingly, it is respectfully submitted that the combination of Reiley et al. and Cai et al. is mere hindsight suggested only by the subject invention.

In view of the foregoing amendments and remarks, reconsideration and allowance of the subject claims as hereby amended is respectfully requested.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,



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